

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BARBARA JO ERVIN,

Plaintiff,

v.

SMITH'S FOOD & DRUG CENTERS,
INC.,

Defendants.

Case No. 2:13-cv-02206-MMD-CWH

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Carl W. Hoffman (dkt. no. 19) ("R&R") recommending dismissal with prejudice. No objections have been filed.

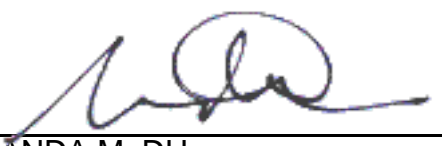
This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no

1 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
2 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view
3 that district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Hoffman's Recommendation. The
10 Magistrate Judge recommended dismissal as sanctions for Plaintiff's failure to comply
11 with the court's order to notify the court whether she intends to proceed pro se or retain
12 counsel after withdrawal of her prior counsel. Plaintiff was given several opportunities
13 to respond to the court, but has failed to comply. Upon reviewing the Recommendation
14 and underlying records, this Court finds good cause to adopt the Magistrate Judge's
15 Recommendation in full.

16 It is therefore ordered that the Report and Recommendation of Magistrate Judge
17 Carl W. Hoffman (dkt. no. 19) be accepted and adopted in its entirety. This case is
18 dismissed with prejudice.

19 DATED THIS 25th day of July 2014.

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23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
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